

European Patent Office
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Germany

Our Ref: W005061 CTH CEP JMO

9 November 1998

Dear Sirs

International (PCT) Patent Application No PCT/GB97/02859
Oxford BioMedica (UK) Limited

This letter is in response to a first Written Opinion, dated 18 August 1998, drawn up by the International Preliminary Examination Authority in relation to the above identified patent application. The due date for reply is 18 November 1998.

Having regarded the issues raised by the Examiner, I wish to make the following observations in relation to Item 2 of that opinion.

The Examiner raises an objection to claim 1 in its present form. According to the Examiner, the claim does not contain all the essential features in order to solve the defined technical problem. One of the essential features which is allegedly missing is the fragment containing the RRE which, according to the Examiner, should also contain the 3' splice acceptor sequence from the HIV env.

With regard to this feature, we wish to point out there is basis in the specification for this being a preferred feature and not an essential feature.

In this regard reference is made to page 7, lines 13-17 :

"The *preferred* (with our emphasis) method described herein for achieving a Rev dependent intron in an MLV based vector is to use an MLV splice donor site and the HIV envelope gene 3' splice site. It is within the ability of those skilled in the art to devise other suitable splice site or intron sequence combinations for HIV Rev dependency"

.../continued

Likewise, page 7, lines 20-21 state that :

“Conveniently, RRE and the 3'splice acceptor site *may* (with our emphasis) be provided in a sequence derived from the HIV env region”.

Furthermore, page 13, lines 16-17 state that :

“The components of the intron in the present invention are *preferably* (with our emphasis) derived from MLV and HIV”.

Accordingly there is no need to change the format of the claims with respect to this feature.

Please acknowledge receipt by stamping and returning one copy of the enclosed 1037.

Yours faithfully
for D Young & Co

Dr C T Harding